

Court of Appeals, State of Michigan

ORDER

People of MI v Nathaniel Dawayne Lee

Docket No. 290763

LC No. 2008-404822 FH

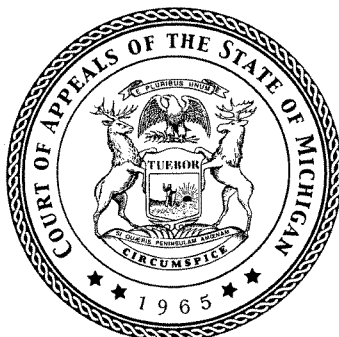
Elizabeth L. Gleicher
Presiding Judge

Kathleen Jansen

Henry William Saad
Judges

The Court orders that the delayed application for leave to appeal is GRANTED. The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(D)(3). This appeal is limited to the issues raised in the application and supporting brief. MCR 7.205(D)(4).

Gleicher, P.J., would peremptorily vacate defendant's judgment of sentence and remand for resentencing in light of *People v Trapp*, 280 Mich App 598, 600-601; 760 NW2d 791 (2008), and *People v Hamilton*, 84 Mich App 601, 602-603; 269 NW2d 693 (1978) ("Both imprisonment and a fine may not be conjoined in the one sentence so as to make defendant's ability to pay the determinant of imprisonment were he not able to pay. He may be sentenced to prison or fine, one only.")



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 20 2009

Date

Sandra Schultz Mengel
Chief Clerk